

MEMORANDUM

To: ALEC Communications and Technology Task Force Members

From: John Stephenson, Task Force Director

Re: 2012 Spring Task Force Summit

This is the 35 Day Mailing for the ALEC 2012 Spring Task Force Summit, which will take place May 10-11 in Charlotte, North Carolina. If you have not already done so, please register for the Summit by clicking [here](#).

Please click here to access the 35 Day Mailing, which includes the following:

- Attendee/Spouse/Guest Registration Forms
- ALEC 2012 Spring Task Force Summit Tentative Agenda
- Joint Working Group on 21st Century Commerce and Taxation Tentative Agenda and Discussion Materials
- Task Force Luncheon Tentative Agenda
- Task Force Meeting Tentative Agenda
- Minutes from the Task Force Meeting at the 2011 States and Nation Policy Summit
- Motions and Draft Model Legislation
- ALEC Meeting Reimbursement Policies
- ALEC Task Force Operating Procedures
- ALEC Mission Statement

Members are advised that we have a full agenda that includes consideration of several model bills, presentations, and a policy luncheon that will address several timely topics relating to communications and technology. Therefore, attendance at all Task Force events is strongly encouraged.

I look forward to seeing you in North Carolina for what is sure to be an excellent Summit. If you have any questions about the Summit, please do not hesitate to contact me by telephone at 202-742-8524 or by e-mail at jstephenson@alec.org.

Sincerely,

John

2012 ALEC SPRING TASK FORCE SUMMIT

May 11, 2012

The Westin Charlotte Hotel
601 South College Street • Charlotte, NC 28202

ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: April 5, 2012

Housing cut-off date: April 5, 2012



charlotte, north carolina
may 11, 2012

spring task force summit

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions
Registration 202.742.8538 (Mon-Fri, 9am-5:00 pm Eastern)
Housing 1.866.837.4148

ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Primary Address ☐ Business ☐ Home _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____
Emergency Contact Name _____ Day Phone _____ Evening Phone _____
Dietary Restrictions _____
☐ This is my first time attending an ALEC event. *Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form

REGISTRATION INFORMATION

Registration Fees

Note: Member fees are subject to verification

	Early Until April 5	Onsite Beginning April 6
<input type="checkbox"/> ALEC Legislative Task Force Member	\$ 150	\$ 150
<input type="checkbox"/> ALEC Private Sector Task Force Voting Member	\$ 250	\$ 250
<input type="checkbox"/> ALEC Non-Profit Task Force Voting Member	\$ 250	\$ 250
<input type="checkbox"/> ALEC Legislative Member/ Non-Task Force Member	\$ 300	\$ 400
<input type="checkbox"/> Private Sector Member/ Non-Task Force Member	\$ 550	\$ 650
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)/ Non-Task Force Member	\$ 475	\$ 575
<input type="checkbox"/> Legislative/ Non-Member	\$ 400	\$ 500
<input type="checkbox"/> Private Sector/ Non-Member	\$ 675	\$ 825
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$ 625	\$ 725
<input type="checkbox"/> Legislative Staff/ Government	\$ 400	\$ 500
<input type="checkbox"/> ALEC Alumni	\$ 350	\$ 450
<input type="checkbox"/> ALEC Legacy Member	\$ 0	\$ 0

REGISTRATION FEE : \$ _____

Note: Registration forms with enclosed payments must be received by April 5, 2012 to be eligible for early bird registration rates. Forms and/or payments received after April 5, 2012 will be subject to on-site registration rates.

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) ____/____ Signature _____

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5:00 pm Eastern April 5, 2012 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00 pm Eastern April 5, 2012. Registration fees may be transferred from one registrant to another. All refund requests must be made in writing and sent via email to meetings@alec.org or fax to 202-331-1344.

REGISTRATION CONFIRMATION INFORMATION Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS April 5, 2012

☐ I do not require a reservation at this time.

Arrival Date _____ Departure Date _____

☐ Sharing room with _____

Room type

- ☐ Single (1 Adult) \$ 139
☐ Double (2 Adults) \$ 139
☐ Triple (3 Adults) \$ 139
☐ Quad (4 Adults) \$ 139

Suites and upgraded accommodations are available upon request. Please call 1.866.837.4148 for additional information.

Special requests

- ☐ ADA room required:
____ Audio ____ Visual ____ Mobile
☐ Rollaway / crib: _____
☐ Other: _____

METHOD OF HOUSING PAYMENT

☐ Please use the same method of payment as above.

Credit Card: Credit Cards will be used to guarantee the reservation.

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) ____/____ Signature _____

* All rates DO NOT include sales tax 15.25% (subject to change)

Note: Cutoff for reservations at the ALEC rate is April 5, 2012. After April 5, 2012, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Please obtain a cancellation number when your reservation is cancelled.

2012 ALEC SPRING TASK FORCE SUMMIT

May 11, 2012

The Westin Charlotte Hotel
601 South College Street • Charlotte, NC 28202

SPOUSE/GUEST REGISTRATION FORM



charlotte, north carolina
may 11, 2012

spring task force summit

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern
Registration: 202.742.8538

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Last Name _____ First Name _____
Organization _____
Daytime phone _____
Email (*Confirmation will be sent by email*) _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES	Number of Spouse/Guest(s)	Fee	TOTAL
<input type="checkbox"/> Spouse / Guest <i>please note name(s) above</i>	_____	\$ 50	\$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express Card # _____
☐ Visa Cardholder (*please print*) _____
☐ MasterCard Exp Date (*mm/yy*) ____/____ Signature _____

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations are non-refundable after 5pm Eastern April 5, 2012.

Agenda

Thursday, May 10, 2012

Registration

3:00 p.m. – 7:00 p.m.

NC Welcome Reception

8:30 p.m. – 11:00 p.m.

Friday, May 11, 2012

Registration

7:30 a.m. – 2:00 p.m.

Task Force Subcommittee Meetings

8:00 a.m. – 9:45 a.m.

All Task Force members are welcome and encouraged to attend their Task Force's Subcommittee meetings.

Digital Learning Subcommittee

8:15 a.m. – 9:15 a.m.

Energy Subcommittee

8:15 a.m. – 9:15 a.m.

Fiscal Policy Reform Working Group

8:15 a.m. – 9:15 a.m.

Other Subcommittees to be Determined

Workshop:

9:30 – 10:45

All ALEC members are welcome to attend.

Workshop:

11:00 a.m. – 12:15 p.m.

All ALEC members are welcome to attend.

Task Force Lunch Meetings

1:00 p.m. – 2:00 p.m.

Task Forces will each begin serving at 12:45 for luncheon.

Task Force Meetings

2:00 p.m. – 5:15 p.m.

- Civil Justice
- Commerce, Insurance, and Economic Development
- Communications and Technology
- Education
- Energy, Environment and Agriculture
- Health and Human Services
- Public Safety and Elections
- Tax and Fiscal Policy

Spring Task Force Summit Reception

6:30 p.m. – 8:30 p.m.

**SPRING TASK FORCE SUMMIT
JOINT WORKING GROUP FOR 21st CENTURY COMMERCE AND TAXATION
TENTATIVE AGENDA
FRIDAY, MAY 11, 2012**

7:30am-8:15am – Joint Working Group on 21st Century Commerce and Taxation – Room Grand D

- Welcome and Introductions – *Rep. Ken Weyler of New Hampshire and John Nothdurft of the Heartland Institute*

Model Legislation

- Discussion of Draft Resolution Urging Congress to Restore State Sales Tax Collection Sovereignty – *TBD*

DRAFT – FOR DISCUSSION PURPOSES ONLY – DRAFT

Resolution Urging Congress to Restore State Sales Tax Collection Sovereignty

Summary

The Supreme Court of the United States held in *Quill* (1992) that a state cannot require a retailer without a physical presence in the state to collect tax on sales to consumers in the state. Importantly, the Court recognized “that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve.” Congress should act, consistent with the American Legislative Exchange Council (ALEC) Principles of Taxation, to authorize states, subject to the enactment of any necessary state laws, to require all retailers whose sales to consumers in the state exceed a minimum threshold to collect applicable sales taxes on sales in the state.

Resolution to Congress

WHEREAS, the Supreme Court of the United States held in *Quill v. North Dakota*, 504 U.S. 298 (1992) that the “dormant” or “negative” Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales tax on sales to consumers in the state unless the retailer has physical presence in the state, and;

WHEREAS, the Supreme Court further held “that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve,” and;

WHEREAS, the sales tax, as applied to consumer purchases, is the most transparent tax levied by state and local governments, and;

WHEREAS, the sales tax is, from the individual consumer’s perspective, one of the simplest taxes imposed by state and local governments, and more than 20 states have worked to make it simpler for retailers that collect the tax in multiple states, and;

WHEREAS, the most complex aspect of sales taxation for consumers is the requirement to pay “use” tax directly to the state when sales tax is not collected by the retailer, and;

WHEREAS, current federal policy prohibiting uniform sales tax collection violates the principle of economic neutrality by favoring some retailers over others and encouraging consumers to evade paying legally owed taxes, and;

WHEREAS, this federal policy also violates the principle of equity and fairness because it uses the tax system to pick winners and losers in the marketplace, and;

WHEREAS, the sales tax is the one major tax that is frequently both a state and local tax, and uniform collection of the sales tax will help to strengthen state and local tax systems, and;

DRAFT – FOR DISCUSSION PURPOSES ONLY – DRAFT

47 **WHEREAS**, consumption taxes, like the sales tax with appropriate exemptions to minimize tax
48 pyramiding on business inputs, are among the most economically neutral taxes and are a
49 necessary component to achieve effective competitiveness, and;

50
51 **WHEREAS**, the sales tax is one of the most stable sources of state revenue and provides
52 certainty for both states and taxpayers,

53
54 **WHEREAS**, federal legislation authorizing states to require all retailers whose sales to
55 consumers in those states exceed a minimum threshold to collect sales taxes has garnered support
56 from businesses and business groups large and small and organizations across the political
57 spectrum, and;

58
59 **WHEREAS**, such federal legislation would allow states to improve the collection of legally
60 owed sales taxes and thus provide flexibility to lower tax rates for all taxpayers;

61
62 **NOW THEREFORE LET IT BE RESOLVED**, ALEC urges Congress to enact legislation,
63 consistent with ALEC Principles of Taxation, to authorize states, subject to the enactment of any
64 necessary state laws, to require all retailers whose sales to consumers in the state exceed a
65 minimum threshold to collect applicable sales taxes on sales in the state, and;

66
67 **BE IT FURTHER RESOLVED**, copies of this resolution shall be distributed to all Governors
68 and members of the United States House of Representatives and United States Senate.

**SPRING TASK FORCE SUMMIT
COMMUNICATIONS AND TECHNOLOGY TASK FORCE
LUNCHEON TENTATIVE AGENDA
FRIDAY, MAY 11, 2012**

1:00pm-2:00pm – Task Force Luncheon – Providence II (luncheon begins serving at 12:45pm)

- State Communications Tax Reforms: What's Happened and What Comes Next – *Eric Tresh of Sutherland Asbill & Brennan LLP*

COMMUNICATIONS AND TECHNOLOGY TASK FORCE

TASK FORCE MEETING TENTATIVE AGENDA

FRIDAY, MAY 11, 2012

2:15pm-5:15pm – Task Force Meeting – Providence II

Preliminary and Old Business

- Welcome, Introductions, and Approval of the Minutes from the ALEC 2011 States and Nation Policy Summit – *Rep. Blair Thoreson of North Dakota*

Presentations

- “The Wisconsin Telecommunications Modernization Act: One State’s Landmark Communications Reforms” – *Rep. Paul Farrow of Wisconsin*
- “Cloud Computing: The Cloud Imperative” – *Aldona Valicenti of CGI, Inc.*
- “States and the Smart Grid Imperative” – *Charles Davidson of New York Law School*
- “The March 2012 iAWFUL: the 10 worst Internet laws in America” – *Steve DelBianco of NetChoice*
- “A partnership for public safety: Charlotte’s 4G LTE network” - *Chuck Robinson, City of Charlotte*

Model Legislation

- Consideration of Model Legislation Working Group Recommendations – *Rep. Don Parsons of Georgia and Kelly William Cobb of Digital Liberty*
- Consideration of the Facilitating Business Rapid Response to State Declared Disaster Act of 2012 – *TBD¹*
- Consideration of An Act Relating to Biometric Information – *Rep. Lora Hubbel of South Dakota²*

Reports and New Business

- Report from the Joint Working Group on 21st Century Commerce and Taxation – *John Nothdurft of the Heartland Institute*
- Report from the Task Force Principles Working Group – *Sen. Joel Anderson of California*
- Report from the Online Consumer Privacy Working Group – *Bartlett Cleland of the Institute for Policy Innovation*
- Announcements – *John Stephenson of ALEC*

¹ Dual Referral from Tax and Fiscal Policy Task Force

² Dual Referral from Public Safety and Elections Task Force

Telecommunications & Information Technology Task Force Meeting
ALEC's 2011 States and Nation Policy Summit
Phoenix, AZ
Thursday, December 1, 2011
Meeting Draft Minutes

I. WELCOME, INTRODUCTIONS, AND OLD BUSINESS

The meeting began at 2:30pm local time. Rep. Blair Thoreson of North Dakota and Bartlett Cleland of the Institute for Policy Innovation, respectively the Task Force Public and Private Sector Chairs, opened the meeting by welcoming the 77 attendees. Task Force members and guests present introduced themselves.

On a motion by Rep. Thoreson, the Task Force unanimously adopted minutes from its meeting as part of the ALEC 2011 Annual Meeting in New Orleans.

II. PRESENTATIONS (in chronological order)

To inaugurate the Task Force's new "Spotlight on the States" series, Rep. Marilyn Avila of North Carolina gave a presentation about her state's recent legislative battle over municipal broadband networks. Rep. Terri Proud also co-presented with representatives from the Arizona Department of Public Safety on recent cyberattacks against the state of Arizona.

Adam Thierer, Research Fellow with the Mercatus Center and Task Force advisor, was the second to present on current trends in online consumer privacy. He also provided a brief update on discussions at the consumer privacy working group and efforts to revise the 2003 ALEC Statement of Principles for Online Consumer Privacy.

The next to present was Charles Davidson, Director of the Advanced Communications Law and Policy Institute at New York Law School, who provided the Task Force with a brief overview of regulatory modernization trends at the federal and state levels of government.

John Nothdurft of the Heartland Institute provided an update from the Joint Working Group on 21st Century Commerce and Taxation. Nothdurft, who serves as Private Sector Chair of the Working Group, informed the Task Force that discussions continue about possible changes to ALEC policy on taxes for online retail sales.

Then, the Task Force heard a presentation from Walter Hamilton of the International Biometrics and Identification Association on current trends and issues in the uses of biometric technologies.

Steve DelBianco of NetChoice reported to the Task Force on current issues in Internet governance, specifically recent proclamations from the ICANN meetings on "top level Internet domains."

Lyndsay O'Herrick of Comcast and Mike Hiltner of Best Buy Stores presented on Connect-to-Compete, a private sector initiative involving their respective companies and others to provide low-cost broadband access, computer equipment, and training for low-income families. Rick Cimerman of NCTA and Jim Wall of Microsoft also spoke about their involvement in the program. Rep. Thoreson asked for a show of hands from private sector members involved in efforts like Connect-to-Compete; most raised their hands.

Finally, Tom Giovanetti of the Institute for Policy Innovation provided a brief update on the court case challenging the FCC's net neutrality order.

Members posed questions to each of the presenters.

III. LEGISLATION

Rep. Calvin Hill of Georgia offered a motion to recommend to the ALEC Board of Directors that the Task Force change its name to the Communications and Technology Task Force. The motion was seconded and the vote in favor was unanimous.

Rep. Thoreson announced his intention to withdraw his Resolution in Support of Federal Efforts to Address Rogue Internet Sites that Sell Counterfeit Products and Facilitate Digital Theft. Mr. Cleland explained that the Resolution would be referred to a special working group comprised of Executive Committees of the Task Forces with jurisdiction over the issue. The Executive Committees were directed to report back to the Task Forces with their recommendations for a model resolution. Diane Katz of the Heritage Foundation raised a point of order regarding this process. Task Force Director John Stephenson and Senior Director of Policy Michael Bowman explained that such a process was allowed under ALEC rules. After Mr. Cleland ruled the point of order improper, Ms. Katz appealed the ruling of the chair. The appeal failed.

Due to limitations on time, Kelly William Cobb of Americans for Tax Reform and Rep. Don Parsons of Georgia agreed to a request by the chairmen to postpone consideration of the Task Force's Model Legislation Review Working Group recommendations.

IV. NEW BUSINESS

Mr. Cleland announced the formation of a new working group to write a new universal statement of communications policy principles for the Task Force to consider at a future meeting. Mr. Stephenson reported on a Task Force effort to develop a model solution so that ALEC members can access organization resources from smartphones and tablet PCs and a new policy index modeled on "Rich States, Poor States."

V. ADJOURN

The Task Force meeting adjourned at approximately 5:45pm on a motion by Rep. Thoreson that was unanimously adopted.

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Life Line Telephone Service Guidelines** by striking the following:

~~Life Line Telephone Service Guidelines~~

~~(The American Legislative Exchange Council does not endorse lifeline telephone service. In many States, lifeline programs are in place or likely will be proposed. The following guidelines can be used by legislators to modify proposed or current lifeline programs to ensure that they are appropriately limited in scope.)~~

~~One of the nationally accepted policy objectives for telephone service is often referred to as “universal service,” as articulated in the Federal Communications Act of 1934. The objective is to make reasonably priced telephone service available to as broad a range of citizens as possible, particularly to the poor and handicapped who might otherwise be unable to afford telephone service. At the same time, the interest of telephone customers and telephone companies is best served by retaining as many paying customers as possible.~~

~~Federal and state regulatory bodies are responding to advances in telecommunications technology by deregulating that industry and fostering competition in more areas of telecommunications. This move toward increased competition brings with it a necessity to more closely align rates with costs, thereby reducing or eliminating telephone subsidies.~~

~~As subsidies erode, those customers receiving their benefits primarily residential customers bear more of the actual costs of telephone service.~~

~~Recognition of the additional pressure on the telecommunications industry has caused many to be concerned that price increases for residential telephone service will threaten the universal service objective.~~

~~Lifeline service is intended to ensure that needy people who rely on the telephone for medical, fire and police emergencies and other essential needs can continue to afford basic telephone service.~~

~~Lifeline services also is intended to mitigate the effects of increasing telephone rates on the poor and the handicapped who rely on telephone services and would be isolated without it. Without lifeline services, many of these people would be unable to retain the benefits of telephone service as prices rise to reflect the actual cost of the service.~~

~~———— When considering a lifeline service plan, it is important to clearly define its~~

40 objective, so that subsidies can be properly targeted to areas of real need and expenses
41 strictly limited to the amount necessary to achieve the objective.

42 Moreover, lifeline service plans should meet the following guidelines:

43 (A) lifeline telephone service should be a minimal, essential need service, directed to
44 those individuals truly in need; the service should be limited to individuals (e.g.
45 the poor and handicapped) who would otherwise have a difficult time
46 communicating with the outside world;

47 (B) there should be a means test for those people considered for lifeline telephone
48 service, such as limiting lifeline service to people who qualify for other state
49 assistance programs; a state social services agency should be responsible for
50 qualifying eligible recipients;

51 (C) lifeline service should be funded from general state revenues; the availability of
52 lifeline service is a social decision and should be funded in the same way as other
53 social programs; it is appropriate that lifeline service be funded by state revenues
54 rather than by increasing rates to other telephone company customers; the best
55 way of handling this subsidy would be in the form of tax credit applied to the
56 telephone company's tax liability.

57

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Concurrent Resolution Creating a Special Joint Committee to Develop a Comprehensive Telecommunications Plan for the States and to Make Recommendations Thereon to the Legislature** by striking the following:

1 ~~**A Concurrent Resolution: Creating a Special Joint Committee**~~
2 ~~**to Develop a Comprehensive Telecommunications Plan for the**~~
3 ~~**State and To Make Recommendations Thereon To the**~~
4 ~~**Legislature; To Provide For the Membership and**~~
5 ~~**Organization of the Joint Committee; And For Related**~~
6 ~~**Purposes**~~

7
8 **Summary**
9

10 ~~The challenge for states is to maximize the use of the existing telecommunications~~
11 ~~infrastructure and plan for a long range solution to the diverse needs of each state which~~
12 ~~will deploy the necessary technology at a price consumers can afford, regulators can~~
13 ~~approve and the private sector can provide. This produces an equitable solution to both~~
14 ~~public and private sector and will enable the stat to compete in the worldwide information~~
15 ~~marketplace. This evolutionary approach envisions the expansion of high capacity fiber~~
16 ~~optic communications to provide the broadband telecommunications solutions to many of~~
17 ~~today's problems in educating and restraining our workforce, providing quality and~~
18 ~~affordable health care to citizens in rural areas, generating productive jobs, increasing~~
19 ~~security to individuals and businesses, and increasing the competitive production of~~
20 ~~goods and services.~~

21
22 **Model Legislation**
23

24 ~~**WHEREAS** the Federal Interstate Highway Program was enacted by Congress to~~
25 ~~provide a 21st Century infrastructure for the transportation of its citizens and~~
26 ~~commodities; and~~

27
28 ~~**WHEREAS** the legislature believes that the need for a telecommunications~~
29 ~~“superhighway” should be studied in order to provide a state of the art infrastructure for~~
30 ~~the transportation of telecommunications including information services, distance~~
31 ~~learning, telemedicine, telecommuting, and many others that may not have been~~
32 ~~identified; and~~

33
34 ~~**WHEREAS** telecommunications offers solutions in the fields of education,~~
35 ~~transportation, healthcare, governmental information services, law enforcement, and~~

36 other areas. Each of these needs should be considered in order to design an infrastructure
37 that can satisfy them; and
38

39 ~~WHEREAS~~ the objective is to develop a plan which provides the flexibility to deploy
40 the necessary technology at a price consumers can afford, state regulators can approve,
41 and the private sector can deliver. The ideal solution will attract industry and benefit
42 consumers with state-of-the-art services that are universally available at affordable costs.
43

44 ~~NOW, THEREFORE, BE IT RESOLVED BY THE STATE SENATE, THE~~
45 ~~HOUSE OF REPRESENTATIVES CONCURRING THEREIN~~, that there is hereby
46 created a special joint committee to develop a comprehensive telecommunications plan
47 for the state and to make recommendations thereon to the legislature and
48

49 ~~BE IT FURTHER RESOLVED~~ that the joint committee shall be composed of two
50 senators to be appointed by the lieutenant governor and two members of the House of
51 Representatives to be appointed by the Speaker of the House of Representatives. The
52 lieutenant Governor shall appoint the chairman to the joint committee and the Speaker of
53 the House of Representatives shall appoint the vice chairman. The vice chairman shall
54 also serve as secretary and shall be responsible for keeping all records of the joint
55 committee. A majority of the members of the joint committee shall constitute a quorum.
56 All members shall be notified in writing of all meetings. Such notices shall be mailed at
57 least five days prior to the date on which a meeting is to be held; and
58

59 ~~BE IT FURTHER RESOLVED~~ that the joint committee is authorized to accept any
60 money from any source, public or private, to be expended in implementing its duties
61 under this resolution; and
62

63 ~~BE IT FURTHER RESOLVED~~ that the joint committee shall not hire any state
64 employee, but shall utilize the clerical and legal staff already employed by the House and
65 Senate; and
66

67 ~~BE IT FURTHER RESOLVED~~ to develop a comprehensive telecommunications plan
68 for the state, that joint committee should identify all of the diverse needs of the state and
69 its citizens, analyze existing facilities and systems, and design an ultimate infrastructure.
70 In order to identify needs, a broad array of telecommunications user and providers should
71 be surveyed. Regulators, educators, transportation officials, health care providers, prison
72 commissions, local exchange telephone companies, inter-exchange carriers, computer
73 companies, broadcasters, cable companies, electric power associations, and many others
74 shall be invited to participate in the identification of long and short term needs; and
75

76 ~~BE IT FURTHER RESOLVED~~ that existing facilities and systems includes copper
77 cables, coaxial cables, fiber optic cables, microwave radio systems, AM and FM radio
78 transmission facilities, satellite systems, cellular, and mobile systems. While all these
79 facilities are available to meet specific needs, and integrated approach will provide
80 efficient, cost-effective use of the total telecommunications infrastructure; and
81

82 ~~**BE IT FURTHER RESOLVED**~~ that the joint committee shall recommend the financial
83 resources to be used to implement the plan over the appropriate timetable. The joint
84 committee shall review laws relating to the telecommunications industry and shall make
85 recommendations to remove any barriers which would prevent or delay implementation
86 of the plan.

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Utility Gross Receipts Tax Act** by striking the following:

~~Utility Gross Receipts Tax Act~~

~~*Suggested Legislation*~~

~~[Title, enacting clause, etc.]~~

~~Section 1. [Definitions.]~~

~~(A) “Telephone company” means a person who owns or operates a telephone line or a telephone network in this State, charges for its use, and is regulated by the public utility commission as a certificated provider of local exchange telephone service.~~

~~(B) “Local exchange telephone service” means the provisions by a telephone company of an access line and dial tone to a fixed location for sending and receiving telecommunications in the telephone company’s local exchange network.~~

~~(C) “Gross operating revenues” from a telephone company means the total revenues derived from the provision of local exchange telephone service. “Gross operating revenues” does not include any amounts received by a person or business for the provision of facilities, billing services or other services or network access utilized by another business or person in its provision of telecommunications services.~~

~~*Classification of Property for Taxation*~~

~~Section 2. [Classification of Property for Taxation]~~

~~(A) There are established the following classes of property for taxation:~~

~~(1) — Class one: All real and personal property except that which is included in Class Two.~~

~~(2) — Class two:~~

~~(a) All property, both real and personal, of gas, water, and electric utility companies and pipeline companies; or~~

~~(b) All real and personal property used to provide local exchange telephone services.~~

~~Section 3. [Severability Clause.]~~

~~Section 4. [Repealer Clause.]~~

~~Section 5. [Effective Date.]~~

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Emergency Telephone Service Enabling Act** by striking the following:

~~Emergency Telephone Service Enabling Act~~

~~It is in the public interest to provide for a single, primary three digit emergency number through which emergency services can be quickly contacted by the public. This act will provide some general guidelines to set up a 9-1-1 emergency number.~~

~~Model Legislation~~

~~[Title, enacting clause, etc.]~~

~~Section 1.~~ ~~[Short Title] This act shall be cited as the **Emergency Telephone Service Enabling Act**~~

~~Section 2.~~ ~~[Purpose] The General Assembly finds that is in the public interest to provide for a single, primary three digit emergency number through which emergency services can be quickly contacted by the public. The primary emergency telephone number for the state shall be 9-1-1.~~

~~Section 3.~~ ~~[Definitions.]~~

~~Section 4.~~ ~~The local governing body shall establish an E-9-1-1 commission and approve the E-9-1-1 Commission's service plan.~~

~~Section 5.~~ ~~The E-9-1-1 Commission shall establish security requirements outlined by the service supplier; determine the number and location Public Safety Answering Points, perfect address and numbering plans, and devise and E-9-1-1 service plan.~~

~~Section 6.~~ ~~Unless waived, a public referendum shall be utilized to establish a E-9-1-1 System.~~

~~Section 7.~~ ~~Private listing subscribers waive any privacy afforded by non-listed or non-published numbers.~~

~~Section 8.~~ ~~E-9-1-1 service plans should be calculated on an individual basis.~~

~~Section 9.~~ ~~All E-9-1-1 nonrecurring and recurring costs should be funded by a state general revenue tax.~~

~~Section 10.~~ Neither nonrecurring nor recurring costs shall include overhead, supplies, personnel, vehicles or building costs not directly related to the provision of the E-9-1-1 system.

~~Section 11.~~ Each local governing body shall pay all costs of establishing, furnishing, equipping and maintaining Public Safety Answering Points.

~~Section 12.~~ Costs for E-9-1-1 service plans would be calculated on an individual basis.

~~Section 13.~~ Nonrecurring costs should be billed to the local governing body. Recurring costs should be paid directly to the service supplier.

~~Section 14.~~ Billing and service for the E-9-1-1 service should be provided on a exchange basis rather than county line basis. If not, all additional costs should be in addition to the nonrecurring and recurring costs within the E-9-1-1 service plan.

~~Section 15.~~ Local exchange services shall provide to the E-9-1-1 service supplier all names, addresses and telephone numbers of its subscribers within the E-9-1-1 service area with compensation for such determined within its tariff. Subscriber information remains the property of the local exchange service and cannot be used for any purposes other than E-9-1-1 service requirements.

~~Section 16.~~ Competitive bidding is not required to use the local telephone network to provide E-9-1-1 Service, which is approved by the local governing body or E-9-1-1 Commission, because of local telephone boundary assignments.

~~Section 17.~~ The service supplier is not liable for any damages or loss associated with the E-9-1-1 system unless willful and wanton negligence is present.

~~Section 18.~~ An unpublished alternative emergency number shall be maintained for use by emergency operators and services.

~~Section 19.~~ All pay station or coin-operated telephones shall be converted to allow 9-1-1 emergency calls to be made without charge.

~~Section 20. [Severability Clause.]~~

~~Section 21. [Repealer Clause.]~~

~~Section 22. [Effective Date.]~~

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Alternate Certification for Distance Learning Instructors Act** by striking the following:

1 **~~Alternate Certification for Distance Learning Instructors Act~~**

2 **~~Summary~~**

3 ~~It is the ultimate responsibility of the state to guarantee students access to the best~~
4 ~~possible education. Traditionally this has been provided through on-site teachers, but~~
5 ~~increasingly the states are turning to private sector experts as the best source for up-to~~
6 ~~date instruction. Often these experts can be brought into the class through distance~~
7 ~~learning facilities. In order to prepare students for the twenty first century, they must~~
8 ~~learn from specialists, the technological experts in the constantly changing high-demand~~
9 ~~areas of mathematics, science and foreign languages.~~

10 ~~While many of these experts are not certified teachers, they remain highly qualified~~
11 ~~instructors for children. Accordingly, the state has an overriding interest, in the case of~~
12 ~~educating our students, to provide an alternate or cross-border waiver from teacher~~
13 ~~certification for proficient distance learning instructors.~~

14 **~~Model Legislation~~**

15 **~~Section 1. {Title.}~~** This Act may be cited as the ~~Alternate Certification for Distance~~
16 ~~Learning Instructors Act.~~

17 **~~Section 2. {Statement of Purpose.}~~** ~~Be it enacted by the legislature that the (Education~~
18 ~~Code), relating to the authority of school districts to certify persons to teach who are not~~
19 ~~graduates of teacher education programs, is amended by adding (Section) to read as~~
20 ~~follows: District Certification:~~

21 ~~(A) The (State-local) board of trustees of a school district shall by written policy provide~~
22 ~~for the certification and employment as distance learning instructors of persons who do~~
23 ~~not hold teaching certificates issued by the state.~~

24 ~~(B) If a distance learning instructor is already a certified teacher in another state and the~~
25 ~~distance learning class originates in said state, their certification shall be recognized and~~
26 ~~deemed sufficient.~~

27 ~~(C) Instructors who are not certified by the state, but who have expertise in the studies of~~
28 ~~mathematics, science, and foreign languages, shall be utilized and approved by the (State-~~
29 ~~local) board of trustees of a school district as a distance learning instructor if:~~

~~(1) there are no certified teachers available who are of equal technical competence in their area of expertise and in dealing with the distance learning technology; and~~

~~(2) there shall be a certified teacher/facilitator in the classroom with the students during the distance learning class.~~

~~(D) The policy must provide for a person being certified to satisfactorily complete:~~

~~(1) an examination of general knowledge to determine if the person's basic skills in reading, writing, and mathematics are sufficient to perform satisfactorily as a teacher; and~~

~~(2) a one-semester provisional certification~~

~~(E) To qualify under this Act for provisional certification to teach primary grades, a person shall have a bachelor's degree from an institution of higher education that is accredited by a recognized accrediting agency.~~

~~(F) To qualify under this Act for provisional certification to teach secondary grades, a person must have a bachelor's degree from an institution of higher education that is accredited by a recognized accrediting agency.~~

~~(G) The (State local) board shall issue final cross-border waiver based on terms stated in Section 2(B).~~

~~(H) The (State local) board shall issue final certification based on an evaluation of:~~

~~(1) the person's academic knowledge;~~

~~(2) the person's ability to communicate information effectively to pupils;~~

~~(3) the person's ability to utilize effectively the distance learning technology;~~

~~(4) the academic achievement of pupils taught by the person during professional certification.~~

~~(I) The board shall report the issuance of a certificate of cross-border waiver under this Act to the (state board of education).~~

~~(J) A person certified under this Act shall be subject to all provisions of this code relating to teachers except any provision that requires a teaching certificate required by the state.~~

~~(K) The (certifying agency) of a school district shall recognize as reciprocal, within that district, a certification or cross-border waiver that was issued under this Section by another district.~~

59 ~~(L) After the provisional certificate the district shall present the individual to the state~~
60 ~~certification board for full certification or permanent cross border waiver.~~

61 ~~(M) The state shall certify any person presented by a school district for full certification~~
62 ~~or permanent waiver.~~

63 ~~(N) Every three years the state board shall review the candidate submissions from the~~
64 ~~districts to evaluate the effectiveness and quality of the individual district programs.~~

65 **Section 3. {Definitions.}** ~~“Distance learning” means the transmission of educational~~
66 ~~information and interaction of geographically dispersed individuals or groups through a~~
67 ~~single medium or a combination of audio, video, and data.~~

68 **Section 4. {Severability clause.}**

69 **Section 5. {Repealer clause.}**

70 **Section 6. {Effective date.}**

71 *ALEC's 1995 Sourcebook of American State Legislation*

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Resolution Concerning Management of the National Spectrum** by striking the following:

~~A RESOLUTION CONCERNING MANAGEMENT OF THE NATIONAL SPECTRUM~~

~~Summary~~

Radio spectrum is the medium by which many everyday services, such as radio and television, are brought to the homes and businesses of America. As technology increases so does the demand on finite spectrum. Today, spectrum allocation is essentially “free”, which means that users of radio and other services are not required to pay user fees or taxes, which would compensate for access to, or use of, a national resource. Any rational user of a resource, when confronted with no cost for that resource, has little or no incentive to use less. Therefore, users of spectrum see little benefit in spending additional funds to switch to new technologies and equipment for the purpose of achieving spectrum efficiency.

~~Model Resolution~~

~~For the purpose of urging Congress to ensure that the nation's radio spectrum is managed by the nation as an invaluable, finite resource by encouraging the most efficient use and fullest deployment of spectrum-based, or wireless, telecommunications services to the greatest number of people at the least possible costs.~~

~~**WHEREAS** radio-based, or wireless, telecommunications services have always been a critical component of the communications infrastructure of a modern nation, allowing the wide deployment and use of such services as broadcast television and radio, air traffic control, radio services for the national defense, cellular telephones, microwave telecommunications, and radio services for emergency services providers;~~

~~**WHEREAS** radio spectrum has become extremely crowded with many competing users and is a finite resource, with limits on the amount of usable spectrum;~~

~~**WHEREAS** the inherent inefficiency associated with the nation’s current allocation of free spectrum provides no incentive for private and government entities to use spectrum in a more efficient manner;~~

~~**WHEREAS** the introduction of new radio based, or wireless telecommunications services, such as high definition television and personal communications services, having vast potential to increase America's competitive edge and to improve the quality of~~

everyday life for all Americans are being delayed because of the immediate need for additional spectrum to be allocated;

~~**WHEREAS**~~ in order to ensure more efficient use of any future allocations of new spectrum, public policy must foster multiple diverse competitors, including experienced telecommunications providers, to seek licenses for these frequencies;

~~**WHEREAS**~~ market-based mechanisms should be used to deter uncontrolled speculation that has occurred in prior allocations of spectrum and the subsequent awarding of radio construction permits and licenses;

~~**WHEREAS**~~ the importance of wireless services requires a consistent regulatory policy, including streamlining regulation and deregulation of all competitive services, so that new services are deployed in ways that are more efficient and responsive to marketplace demands.

~~**NOW THEREFORE BE IT RESOLVED**~~ that all state delegations to the United States Congress and Commissioners of the Federal Communications Commission are urged to vigorously support all appropriate legislation, with sufficient safeguards to ensure continued consumer protection and states rights, that would further the development of and deployment of new radio-based, or wireless, technologies that will bring many public benefits by increasing America's competitive edge and improving the quality of everyday life for all Americans;

~~**BE IT FURTHER RESOLVED**~~ that any such Congressional actions and legislation should focus upon, or contain, the intent of the following guidelines:

——— Implement market-based mechanisms, such as competitive bidding or auctions for spectrum assignment, which would greatly reduce or eliminate speculation;

——— Reduce regulation and rules to encourage flexible use of all assigned frequencies, while maintaining broad requirements for compatibility and interference protection, thereby encouraging development of new innovations in services and ensuring more efficient use of all assigned spectrum

——— Ensure that allocation and frequency assignments carefully and fairly balance the competing demands of new, proposed services and the rights of existing users of more mature technologies and services;

——— Promote the continued development of a national public switched network as the ultimate backbone for an integrated, national communications system, encompassing both wire and radio-based telecommunications service;

——— Promote the deployment of fiber and other wire-based networks by all private telecommunications companies, so that spectrum can be reallocated from point-to-point microwave systems, television broadcasters, and, to a lesser extent, radio broadcasters to

67 ~~new, more efficient spectrum services, such as cellular mobile telephone, proposed~~
68 ~~personal communications services, and to meet the growing needs of state and local~~
69 ~~public safety providers;~~

70 ~~———Ensure regulatory and tax parity among all new and existing radio-based~~
71 ~~competitors who offer like, or similar, telecommunications services.~~

72 ~~**BE IT FURTHER RESOLVED** that the staff of the American Legislative Exchange~~
73 ~~Council transmit copies of this resolution to the President and Vice President of the~~
74 ~~United States, the Speaker of the House of Representatives, the President of the Senate,~~
75 ~~to all state delegations to the United States Congress and to all Commissioners of the~~
76 ~~Federal Communications Commission.~~

77 ~~*As adapted from an ALEC State Factor written and approved by the Task Force on*~~
78 ~~*Telecommunications in February of 1990.*~~

MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Resolution Urging Congress to Open the Cable Industry to More Competition in the Marketplace** by striking the following:

~~Resolution Urging Congress to Open the Cable Industry to More Competition in the Marketplace~~

~~Model Resolution~~

WHEREAS, It is in the public interest to provide competition for existing cable TV services, both transmission and programming, through a telephone network capable of video transmission to enhance the development of new technologies and faster introduction of products and services to the marketplace; and

~~**WHEREAS,** An integrated broadband network will provide consumers with greater choices of video program suppliers and preferred services—advantages that would be extended ultimately to all consumers, rural and urban, so as to avoid a divided society of information “haves” and “have nots”; and~~

~~**WHEREAS,** A statewide fiber optic network will serve as a vital component to the states' future public and continuing education structures; and~~

~~**WHEREAS,** A highly featured telephone network capable of video transmission would be an asset to international competitiveness for the U.S. and economic development within the states; and~~

~~**WHEREAS,** An adequate accounting and structural safeguards have been developed and are already in place in the state and federal jurisdiction to protect against cross-subsidization from telephone customers; now, therefore be it~~

RESOLVED, that the legislature of the state of (_____) urges Congress to enact appropriate legislation to open up the cable market to competition, to enhance the development of new technologies, and to modernize the telecommunications infrastructure; and be it further

~~**RESOLVED**, that the Clerk of the House/Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President of the Senate, and to every member of the Congress and Senate of the United States.~~

~~Passed by the Task Force on Telecommunications October 7, 1989.~~

Facilitating Business Rapid Response to State Declared Disaster Act

Summary

An Act to amend the state public services law, state law and tax law in relation to thresholds for establishing presence, residency or doing business in the state for out-of-state employees and companies including affiliates of in-state companies that temporarily provide resources and personnel in the state during a state of emergency declared by either the Governor or the President of the United States.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Short Title.}

This Act may be cited as the “Facilitating Business Rapid Response to State Declared Disasters Act of 2012”.

Section 2. {Findings.}

A. The Legislature finds that –

1. During times of storm, flood, fire, earthquake, hurricane or other disaster or emergency, many companies bring in resources and personnel from other states throughout the U.S. on a temporary basis to expedite the often enormous and overwhelming task of cleaning up, restoring and repairing damaged buildings, equipment and property or even deploying or building new replacement facilities in the state.

2. This may involve the need for out-of-state companies, including out-of-state affiliates of companies based in the state to bring in resources, property and/or personnel that previously have had no connection to the state, to perform activity in the state including but not limited to repairing, renovating, installing, building, rendering services or other business activities and for which personnel may be located in the state for extended periods of time to perform such activities.

3. During such time of operating in the state on a temporary basis solely for purposes of helping the state recover from the disaster or emergency, these companies and individual employees should not be burdened by any requirements for business and employee taxes as a result of such activities in the state for a temporary period.

4. The state’s nexus and residency thresholds are intended for businesses and individuals in the state as part of the conduct of regular business operations or who intend to reside in

the state and should not be directed at companies and individuals coming into the state on a temporary basis to provide help and assistance in response to a declared state disaster or emergency.

5. To ensure that companies may focus on quick response to the needs of the state and its citizens during a declared state disaster or emergency it is appropriate for the legislature to deem that such activity for a reasonable period of time during and after the disaster or emergency for repairing and restoration of the often devastating damage to property and infrastructure in the state shall not establish presence, residency, nor doing business in the state nor any other criteria for purposes of state and local taxes, licensing and regulatory requirements.

Section 3. {Definitions.}

A. For purposes of this Act, the following terms shall have the following meanings:

1. “Registered Business in the State” (or “Registered Business”) means a business entity that is currently registered to do business in the state prior to the declared state disaster or emergency.

2. “Out-of-State Business” means for purposes of this legislation a business entity that has no presence in the state and conducts no business in the state whose services are requested by a Registered Business or by a state or local government for purposes of performing Disaster or Emergency Related Work in the state. This shall also include a business entity that is affiliated with the Registered Business in the State solely through common ownership. The “Out-of-State Business” has no registrations or tax filings or nexus in the state prior to the declared state disaster or emergency.

3. “Out-of-State Employee” means for purposes of this legislation an employee of an Out-of-State business who does not work in the state. “Disaster or Emergency Related Work” means repairing, renovating, installing, building, rendering services or other business activities that relate to infrastructure that has been damaged impaired or destroyed by the Declared State Disaster or Emergency.

4. “Infrastructure” means for purposes of this legislation property and equipment owned or used by communications networks, gas and electric distribution systems, water pipelines, and public roads and bridges and related support facilities that services multiple customers or citizens including but not limited to real and personal property such as buildings, offices, lines, poles, pipes, structures and equipment.

5.. “Declared State Disaster or Emergency” means a disaster or emergency event for which a Governor's State of Emergency Proclamation has been issued or for which a Presidential Declaration of a Federal Major Disaster or Emergency has been issued.

6. “Disaster Period” means a period that begins within ten days of the first day of the Governor’s Proclamation or the President’s Declaration (whichever occurs first) and that extends for a period of sixty calendar days after the end of the declared disaster or emergency period.

Section 4. {Obligations After Disaster Period.}

A. Business and employee status during disaster period.

1. An Out-of-State Business that conducts operations within the state for purposes of performing work or services related to a Declared State Disaster or Emergency during the Disaster Period shall not be considered to have established a level of presence that would require that business to register, file and remit state or local taxes or that would require that business or its out of state employees to be subject to any state licensing or registration requirements. This includes any and all state or local business licensing or registration requirements or state and local taxes or fees such as unemployment insurance, state or local occupational licensing fees and sales and use tax on equipment used or consumed during the disaster period, public service commission or secretary of state licensing and regulatory requirements. For purposes of any state or local tax on or measured by, in whole or in part, net or gross income or receipts, all activity of the Out-of-State Business that is conducted in this state pursuant to this Act shall be disregarded with respect to any filing requirements for such tax including the filing required for a unitary or combined group for which the Out-of-State Business may be a part.

2. Any Out-of-State Employee as defined herein shall not be considered to have established residency or a presence in the state that would require that person or that person’s employer to file and pay income taxes or to be subjected to income tax withholdings or to file and pay any other state or local tax or fee during the Disaster Period. This includes any related state or local employer withholding and remittance obligations.

B. Transaction taxes and fees.

1. Out-of-State Businesses and Out-of-State Employees shall be required to pay transaction taxes and fees including but not limited to fuel taxes or sales/use taxes on materials or services subject to sales/use tax, hotel taxes, car rental taxes or fees that the Out-of-State Affiliated Business or Out-of-State employee purchases for use or consumption in the state during the Disaster Period, unless such taxes are otherwise exempted during a Disaster Period.

104 C. Business or employee activity after disaster period.

105 1. Any Out-of-State Business or Out-of-State employee that remains in the state after the
106 Disaster Period will become subject to the state's normal standards for establishing
107 presence, residency or doing business in the state and will therefore become responsible
108 for any business or employee tax requirements that ensue.

109 **Section 5. {Administration.}**

110 A. Notification of out-of-state business during disaster period.

111 1. The Out-of-State Business that enters the state shall, upon request, provide to the
112 {Designated State Agency} a statement that it is in the state for purposes of responding to
113 the disaster or emergency, which statement shall include the business' name, state of
114 domicile, principal business address, federal tax identification number, date of entry, and
115 contact information.

116 2. A Registered Business in the State shall, upon request, provide the information
117 required in paragraph 1 of this section for any affiliate that enters the state that is an Out-
118 of-State Business. The notification shall also include contact information for the
119 Registered Business in the State.

120 B. Notification of intent to remain in state.

121 1. An Out-of-State Business or an employee that remains in the state after the Disaster
122 Period shall complete state and local registration, licensing and filing requirements that
123 ensue as a result of establishing the requisite business presence or residency in the state
124 applicable under the existing rules.

125 C. Procedures.

126 1. The {Designated Agency} shall promulgate necessary regulations, develop and issue
127 forms or online processes to carry out these administrative procedures.

128 **{Section 6.} Effective Date.**

129 This Act shall be effective immediately.

DRAFT The Regulation and Use of Biometric Data Act

Summary

This Act protects an individual's privacy and personal identification information by providing specific guidance and regulations on how biometric identification data may be collected, used, and stored. Though the use of biometric data can be necessary to ensure proper identification in specific settings, it is imperative that this data neither be mishandled nor misused.

Model Legislation

Section 1. {Definitions} The following definitions apply in this Act:

(A) "Biometric data" means fingerprints, handprints, voices, facial mapping, iris images, retinal images, vein scans, hand geometry, or finger geometry.

(B) "Biometric information" means biometric data that is used in a biometric system for fingerprint recognition, hand geometry recognition, finger geometry recognition, voice recognition, facial recognition, iris scans, retinal scans, or vein recognition.

(C) "Biometric system" means an automated system capable of:

(1) Capturing biometric data from an individual's biometric information;

(2) Extracting and processing the biometric data captured under of this Subsection;

(3) Storing the biometric data extracted under Subsection (2) of this Subsection;

(4) Comparing the biometric data extracted under Subsection (2) of this Subsection with biometric data stored for the individual for use in future recognition of the individual; and

(5) Determining how well the extracted and stored biometric data match when compared under Subsection (4) of this Subsection, and indicating whether an identification or verification of identity has been achieved;

(D) "Collector" means a person who collects the biometric information of another individual.

(E) "Contractor" means a person who contracts with a collector to store the biometric information collected by the collector, and includes a person to whom the contractor sells the contractor's business and transfers the biometric information.

(F) "Facial mapping" means the use of digital technology to measure the features of an individual's face.

(G) "Facial recognition" means the use of facial mapping for recognition purposes.

(H) "Finger geometry recognition" means the use of the shape and dimensions of one or more fingers for recognition purposes.

(I) "Fingerprint recognition" means the use of the physical structure of an individual's fingerprint for recognition purposes.

(J) "Governmental entity" means a state agency, a municipality, and an agency of a municipality; in this Subsection, "state agency" means an agency of the executive, judicial, or legislative branch of state government.

(K) "Hand geometry recognition" means the use of the physical structure of an individual's hand for recognition purposes.

(L) "Iris scan" means the use of an image of the physical structure of an individual's iris for recognition purposes.

(M) "Retinal scan" means the use of the pattern of blood vessels in an individual's eye for recognition purposes.

(N) "Vein recognition" means the use of the veins in an individual's skin for recognition purposes.

Section 2. {Biometric information collection}

(A) A person may not collect the biometric information of another individual unless the person first:

(1) Notifies the individual in a clear manner that the biometric information is being collected, the specific purpose for which the biometric information will be used, and how long the biometric information will be kept; and

(2) Receives, in a written, electronic, or other form by which the consent can be documented, the individual's full consent to the collection of the biometric information, the specific purpose for which the biometric information will be used, and how long the biometric information will be kept.

(B) Unless the individual's biometric information was needed for a specific authorized law enforcement, security, or fraud prevention purpose, an individual may, at any time, revoke or amend the individual's consent provided under Subsection (A) of this Section.

(C) Any collection of a digital photo image with a pixel count exceeding the following perimeters is considered a biometric sample and accordingly is to be considered biometric information. Where the width of the head is forty-nine (49) pixels or more of resolution, which corresponds to a maximum full image width of eighty-five (85) pixels or more of resolution, and an image height of one hundred six (106) pixels or more of resolution

Section 3. {Disclosure of biometric information}

(A) A collector and a collector's contractor may not disclose, transfer, or distribute the biometric information of another individual, except to a contractor or to a person to authenticate the identity of the individual providing the biometric information.

(B) A disclosure, transfer, or distribution under Subsection (A) of this section may only be made for the original purpose for which the information was collected.

Section 4. {Sale of biometric information}

(A) A person may not sell biometric information, except that a contractor may sell the contractor's business to another person and transfer the biometric information to the buyer.

Section 5. {Alternate identification}

(A) If a person who administers an occupational examination requires an individual taking the examination to provide biometric information to the person for the purpose of identifying the individual taking the examination, the person may not require that the individual provide the biometric information if the individual provides the person with a valid state issued identification card including but not limited to a state driver's license or a valid federal identification card including but not limited to a U.S. passport to the person administering the occupational examination.

(B) In this section, "occupational examination" includes an examination required for admission to an institution of higher learning.

Section 6. {Disposal}

(A) When a collector no longer needs an individual's biometric information for the collector's original purpose, or if an individual requests in writing that the individual's biometric information be removed from all databases or other storage systems and be permanently destroyed, the collector and the collector's contractor, if any, shall, within 120 days and unless prohibited by other law, a regulation, or a court order, remove the individual's biometric information from all databases and storage systems and destroy the biometric information.

(B) Within 30 days after determining that the collector no longer needs an individual's biometric information for the collector's original purpose or that the individual has requested the removal and destruction, the collector shall notify the collector's contractor, if any, that the collector is to remove the individual's biometric information from all databases and storage systems and destroy the biometric information.

Section 7. {Use of biometric information}

(A) A collector may not use biometric information for marketing purposes or for general surveillance purposes, but a collector may use the biometric information for a specific authorized security or fraud prevention purpose in addition to the specific purpose for which the biometric information was collected.

Section 8. {Storage of biometric information}

(A) A collector and a contractor shall store an individual's biometric information in a secure manner, which may include encryption or another appropriate method, to ensure that the identity of the individual who provided the biometric information is protected.

Section 9. {Right of action}

(A) Except as provided in Subsection (B) of this Section, an individual may bring a civil action against a person who knowingly violates this Act. A person who violates this Act is liable to the individual for actual damages and a penalty of \$5,000, except that, if the violation resulted in profit or monetary gain to the person, the penalty is \$100,000.

(B) An action for damages, a penalty, or both may not be brought against the state, the agencies of the state, or the officers or employees of the state or the agencies of the state for violations of this Act or for other claims arising under this Act.

Section 10. {Exemptions}

(A) This Act does not apply to the collection, retention, analysis, disclosure, or distribution of:

- (1) Biometric information for a law enforcement purpose provided a search warrant is issued for the purposes of the identification of perpetrators, or the investigation of crimes, the identification of a reported missing person, the identification of unidentified persons provided the unidentified person has committed an offense or violation of law for which would a physical custody arrest is required, or the identification of human remains; or
- (2) Biometric information when authorized by a mandatory state or federal law.

(B) This Act does not apply to the retention of voices recorded for quality assurance purposes.

183

184 **Section 11. {Severability clause}**

185

186 **Section 12. {Repealer clause}**

187

188 **Section 13. {Effective date}**

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the **specific subject areas** of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
 - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
 - educational communication and correspondence campaigns;
 - issue specific briefings, press conferences and press campaigns;
 - witness testimony and the activities of policy response teams;
 - workshops at ALEC's conferences; and
 - specific focus events.
- D. The Executive Director is to develop an **annual budget**, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.



III. GENERAL PROCEDURES

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the **jurisdiction** of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all **model bills and resolutions 35 days before** the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have **10 days after the 35-day mailer deadline** to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the **National Chair and the Private Enterprise Board Chair**. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-



day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. **The National Chair and the Private Sector Board Chair** will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. **The Board of Directors** shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice



should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.

- D. The **operating cycle of a Task Force** is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. If a Task Force is **unable to develop an operating budget**, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- F. **The Board of Directors** shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in



accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:

- (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
- (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
- (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and
- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.

- C. Each Task Force shall have an **Executive Committee** appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B)); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F)); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of **subcommittees**, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). **Advisors** shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official



Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The **operating budget** shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.
- C. The operating budget shall not be used to cover Task Force meeting expenses associated with **alternate task force members'** participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The **programming budget** shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS



- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing **three legislative members and three alternates to the Task Force** who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the **appointment cannot be made earlier than thirty days** after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing **the Task Force Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.
- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the **Task Force Executive Committee**, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.



- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing **new private sector members** to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the **Task Force Private Sector Co-Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the **private sector members of the Task Force Executive Committee**, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.
- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as **advisors** to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.



VII. REMOVAL AND VACANCIES

- A. The National Chair may remove any Public Sector **Task Force Co-Chair** from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an **Executive Committee or subcommittee** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove **any Private Sector Task Force Co-Chair** from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any **private sector member of an Executive Committee or subcommittee** from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an **advisor** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may **resign** from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the



effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All **vacancies** for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

- A. **Task Force meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII (H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. **Executive Committee meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. **At least forty-five days** prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or **amendment** of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. **All Task Force meetings are open** to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions



and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.

- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the **appointment letter** sent pursuant to Section VI (D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.
- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of **Roberts Rules of Order**, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A **vote** on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. **No proxy, absentee or advance voting is allowed.**
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a **Task Force vote by mail or any form of electronic communication** on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and



policy statements be mailed or notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.

- H. For purposes of Sections VIII(A), (B) and (G), an **emergency situation** can be declared by:
 - (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
 - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.
- I. Ten Task Force members shall **constitute a quorum** for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become **ALEC policy** either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, **a formal review by the Board of Directors**. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be



formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.

- C. A member of the Board of Directors may request a formal review by the Board of Directors. The **request must be in writing** and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will **consist of key members of the Task Force**, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
 - **Notification of Committee:** Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
 - **Staff Analysis:** Will be prepared in a neutral fashion. The analyses will include:
 - History of Task Force action
 - Previous ALEC official action/resolutions
 - Issue before the board
 - Proponents arguments
 - Opponents arguments
 - **Standardized Review Format:** To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
 - Task Force Chair(s) will be invited to attend the Board Review
 - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
 - Twenty minutes that is equally divided will be given for both sides to present before the Board.
 - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
 - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.



- All votes will be recorded for the official record.
 - **Notification of Committee:** The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.
- E. **The Board of Directors can:**
- (1) Vote to affirm the policy or affirm the policy by taking no action,
 or
 - (2) Vote to disapprove the policy, or
 - (3) Vote to return the policy to the Task Force for further consideration
 providing reasons therefore.
- F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.



Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.